

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHNNIE M. DuBOSE )  
Plaintiff, ) C A. No.: 1:07-cv-00045 (MPT)  
v. )  
MICHAEL WALSH, in his official capacity as )  
New Castle County Sheriff; AMERICAN )  
BUSINESS CREDIT (ABC); ROBERT K. )  
BESTE, JR; and MAGGIE CLAUSELL, Esq. )  
Defendants. )

**RESPONSE TO DEFENDANT MAGGIE CLAUSELL, ESQUIRE  
TO PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

COMES NOW, Defendant, Maggie Clausell, Esquire (hereinafter "Clausell"), and respectfully responds to Plaintiff's Motion for Default Judgment, filed in this matter on March 15, 2007, as follows:

1. The Docket shows Service of the Summons on Clausell on February 6, 2007

(Docket No. 6).

2. On February 19, 2007, Clausell filed a Motion to Dismiss.

3. In accordance with Fed. R. Civ. P. 12(a)(4), an answer is not due until the Court has approved, denied or otherwise resolved the Motion to Dismiss filed by Clausell.

4. Clausell is not in default, in that no answer is due

WHEREFORE, Defendant Clausell respectfully submits that Plaintiff's Motion for Default Judgment should be denied.

TIGHE & COTTRELL, P.A.

Paul Cottrell

Paul Cottrell (DE ID No :2391)  
One Customs House, Suite 500  
P O. Box 1031  
Wilmington, DE 19899  
(302) 658-6400

*Attorneys for Defendant: Marggie Clausell*

Date: March 20, 2007

**CERTIFICATE OF SERVICE**

I, Paul Cottrell, Esq., do hereby certify this 20<sup>th</sup> day of March 2007, two true and correct copies of the attached "Response of Defendant Maggie Clausell to Plaintiff's Motion for Default Judgment," were given to the following by the method indicated:

**By First-Class Mail**

Johnnie M. DuBose  
4 Teakwood Lane  
Wilmington, DE 19801

**By Electronic Filing**

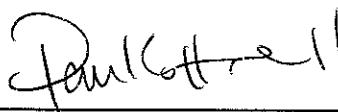
American Business Credit, Inc.  
c/o Wilmington Trust SP Service  
3411 Silverside Road  
Springer Building - Suite 103  
Wilmington, DE 19810

Michelle D. Allen, Esquire  
Assistant County Attorney  
New Castle County Law Dept.  
87 Reads Way  
New Castle, DE 19720

Donald L. Gouge, Jr., Esq.  
Heiman, Gouge & Kaufman, LLP  
800 King Street, Suite 303  
Wilmington, DE 19801

Robert K. Beste, Jr., Esq.  
Cohen, Seglias, Pallas, Greenhall & Furman, P.C.  
1007 N. Orange Street, Suite 1130  
Wilmington, DE 19801

TIGHE & COTTRELL, P A.



---

Paul Cottrell (DE ID No :2391)  
One Customs House, Suite 500  
P.O. Box 1031  
Wilmington, DE 19899  
(302) 658-6400  
*Attorneys for Defendant: Marggie Clausell*